

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                           |   |                             |
|---------------------------|---|-----------------------------|
| VOITH PAPER GMBH & CO. KG | : |                             |
|                           | : | Civil Action No. 07-226-JJF |
| Plaintiff,                | : |                             |
|                           | : |                             |
| v.                        | : |                             |
|                           | : |                             |
| JOHNSONFOILS, INC.        | : |                             |
|                           | : |                             |
| Defendant.                | : |                             |

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT THAT U.S.  
PATENTS 5,718,805 AND 5,972,168 ARE INVALID**

Defendant, JohnsonFoils, Inc. ("JohnsonFoils") moves this Honorable Court to grant summary judgment that U.S. patents 5,718,805 and 5,972,168 are invalid under 35 U.S.C. §103.

As detailed in the Memorandum of Law filed in support of this Motion, U.S. patents 5,718,805 and 5,972,168 are invalid under 35 U.S.C. § 103 in view of the relevant prior art, as a matter of law.

Support for this Motion is fully set forth in JohnsonFoils' accompanying Memorandum of Law and the referenced Appendices and Exhibits. A proposed Order accompanies this Motion.

Dated: August 13, 2007

Respectfully submitted,

Seitz, Van Ogtrop & Green, P.A.

*/s/ George H. Seitz, III*

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**CERTIFICATE OF SERVICE**

I, *George H. Seitz*, Esquire, hereby certify that on this 22<sup>nd</sup> day of August 2007, I electronically filed the foregoing pleading with the Clerk of Court using CM/ECF which will send notification of such filing to all counsel of record.

*/s/ George H. Seitz, III*

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| JOHNSONFOILS, INC.        | : |                             |
|                           | : |                             |
| Defendant.                | : |                             |

**ORDER**

The Court having considered Defendant JohnsonFoils, Inc.'s Motion for Summary Judgment and finding that U.S. Patents 5,718,805 and 5,972,168 are invalid,

**IT IS HEREBY ORDERED**, \_\_\_\_\_ day of \_\_\_\_\_, 2007, that judgment is entered in favor of JohnsonFoils, Inc. and against Voith Paper GMBH & Co., KG.

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J.